



UNITED STATES NORTHERN COMMAND

FEB 08 2019

HQ USNORTHCOM/CS
250 Vandenberg Street, Suite B016
Peterson Air Force Base CO 80914-3801

Mr. Austin Evers, Executive Director, American Oversight
Mr. Jeff Prescott, Executive Director, National Security Action
1030 15th Street SW, Suite B255
Washington DC 20005

Dear Mr. Evers and Mr. Prescott

We received several Freedom of Information Act (FOIA) requests dated 18 December 2018. The requests were assigned separate case numbers.

We assigned USNORTHCOM FOIA case number 19-R-039 to your request for:

All records sufficient to identify any "credible evidence or intelligence" referenced in the White House's November 20, 2018, memo authorizing military's use of force to protect control officers."

We assigned USNORTHCOM FOIA case number 19-R-041 to your request for:

All meeting notes, agendas, information material, readouts, and follow-up conversation notes related to the White House meeting reported to have taken place on or about November 19, 2018, regarding the so-called migrant caravan issue and decision to authorize use of force for active military, with White House Chief of Staff John Kelly, White House advisor Stephen Miller, DHS Secretary Nielsen, the President of the National Immigration and Customs Enforcement Council Chris Crane, and President of the Border Patrol Union Brandon Judd.

All records related to any decision to use facial recognition technology on the so-called migrant caravan, including all final policies governing the use of facial recognition technology on immigrants seeking asylum on the US-Mexico border.

In both of the requests, you asked that we search political appointees within the immediate offices of the Commanders of U.S. Northern Command and U.S. Army North. No political appointees work at either USNORTHCOM or U.S. Army North, one of our component commands; therefore, we have no responsive records.

DETER PREVENT DEFEAT

Since you also requested records describing the processing of your request, I have provided two responsive documents. Upon review of the documents, we have determined them to be partially releasable as portions are exempt from mandatory disclosure under FOIA exemption (b)(6) and withheld because the release of the exempted information would constitute a clearly unwarranted invasion of personal privacy. The authority for this exemption can be found in the United States Code, Title 5, Section 552 (b)(6).

As a requester in the "All Others" fee category, you receive the first two hours and 100 pages of records at no cost; therefore, there are no assessable fees for processing your request. If you have any further questions concerning your request, please contact our FOIA Request Service Center at the above address.

If you are not satisfied with this action, you have the right to appeal to the appellate authority, Ms. Joo Chung, Director of Oversight and Compliance (ODCMO), Office of the Secretary of Defense (OSD). The appellate address is: ODCMO Directorate for Oversight and Compliance, 4800 Mark Center Drive, ATTN: DPCLTD, FOIA Appeals, Mailbox #24, Alexandria, VA 22350-1700. As an alternative, you may use the OSD FOIA request portal to submit your appeal electronically at the following link: <http://pal.whs.mil/palMain.aspx> or email your appeal to OSD.FOIA-APPEAL@mail.mil. If you use email, please have the words "FOIA Appeal" in the subject of the email. Your appeal should cite our case number FY19-10JAN2019-NNC37, be postmarked within 90 days of the date of this response, and be clearly marked "Freedom of Information Act Appeal" on the request. You also have the right to seek dispute resolution services from USNORTHCOM's FOIA Public Liaison, Mr. Jim Hogan at (571) 372-0462 or OSD.FOIALiaison@mail.mil. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at (202) 741-5770; toll free at 1-877-684-6448; or facsimile at (202) 741-5769.

Sincerely



RICHARD J. GALLANT
Major General, USA
Chief of Staff

Attachments:

1. Email dated 31 January 2019
2. Memo dated 4 February 2019

cc: ARNORTH/CS

(b) [REDACTED]
To: Crump, Donna A CIV USAF AFELM NORTHCOM (USA) (b) (6)
Subject: RE: Question for SWB FOIA Requests
Date: Thursday, January 31, 2019 1:45:10 PM

UNCLASSIFIED

Donna,

The answer is the same, N&NC does not have any political appointees.

v/r

(b) [REDACTED]

UNCLASSIFIED

-----Original Message-----

From: Crump, Donna A CIV USAF AFELM NORTHCOM (USA) <donna.a.crump.civ@mail.mil>

Sent: Thursday, January 31, 2019 12:17 PM

(b) (6) [REDACTED]

Subject: RE: Question for SWB FOIA Requests

UNCLASSIFIED

(b) [REDACTED] I am not familiar with OPM's policy definition of a political appointee. I need to know if we have any political appointees based on the FOIA requestors definition of a political appointee. The answer may be the same but I have to be sure before I respond to the requester. I have numerous requests all with the same definition.

The requester defines political appointee as follows: "...any person who is a Presidential Appointee with Senate Confirmation (PAS), a Presidential Appointee (PA), a non-career SES, any Schedule C employees, or any person hired under Temporary Non-Career SES Appointments, Limited Term SES Appointments, or Temporary Transitional Schedule C Appointments."

Please confirm we have no political appointees based on that definition. I will run everything through legal but I first need an opinion from a SME in personnel. Afterwards, I will prepare an official FOIA response for Chief of Staff's signature.

Thanks for your help.

Donna A. Crump, DAFC
FOIA, MDR, and Privacy Act Programs

HQ NORAD and USNORTHCOM
250 Vandenberg Street, Suite B016

Peterson AFB, CO 80914-3802

(719) 556-2117 (DSN 834-2117)
donna.a.crump.civ@mail.mil

UNCLASSIFIED

-----Original Message-----

(b) (6)

Sent: Thursday, January 31, 2019 11:57 AM

(b) (6)

Cc: Crump, Donna A CIV USAF AFELM NORTHCOM (USA) <donna.a.crump.civ@mail.mil>

Subject: RE: Question for SWB FOIA Requests

UNCLASSIFIED

Donna,

You are correct, N&NC does not have any political appointees.

A Political Appointee: Individual who held a political appointment covered by OPM's policy within the previous five-year period.

v/r

(b) (6)

UNCLASSIFIED

-----Original Message-----

(b) (6)

Sent: Wednesday, January 30, 2019 3:34 PM

(b) (6)

Cc: Crump, Donna A CIV USAF AFELM NORTHCOM (USA) <donna.a.crump.civ@mail.mil>

Subject: RE: Question for SWB FOIA Requests

UNCLASSIFIED

(b) (6)

Can you please confirm the below?

Thanks,

(b) (6)

UNCLASSIFIED

-----Original Message-----

From: Crump, Donna A CIV USAF AFELM NORTHCOM (USA) <donna.a.crump.civ@mail.mil>

Sent: Wednesday, January 30, 2019 2:36 PM

(b) (6)

Subject: Question for SWB FOIA Requests

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Good afternoon, (b) (6). I've been working quite a few Freedom Information Act (FOIA) request for records involving NORTHCOM's support of the southwest border efforts. There are several that specifically ask for political appointee communications. The requester defines political appointee as follows: "...any person who is a Presidential Appointee with Senate Confirmation (PAS), a Presidential Appointee (PA), a non-career SES, any Schedule C employees, or any person hired under Temporary Non-Career SES Appointments, Limited Term SES Appointments, or Temporary Transitional Schedule C Appointments."

I don't believe we have anyone at NORTHCOM working in that category. Can you confirm?

Donna A. Crump, DAFC
FOIA, MDR, and Privacy Act Programs

HQ NORAD and USNORTHCOM
250 Vandenberg Street, Suite B016
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DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY NORTH (FIFTH ARMY)
2801 WILSON WAY
FORT SAM HOUSTON, TEXAS 78234-7000

ARNO-PR

FEB 04 2019

MEMORANDUM FOR RECORD

SUBJECT: Response to Query – Political Appointees at USARNORTH

1. This memorandum is to confirm that no political appointees work at Headquarters, U.S. Army North (Fifth Army).
2. As requested, the command reviewed its rolls utilizing the provided definition: *"...any person who is a Presidential Appointee with Senate Confirmation (PAS), a Presidential Appointee (PA), a non-career SES, any Schedule C employees, or any person hired under Temporary Non-Career SES Appointments, Limited Term SES Appointments, or Temporary Transitional Schedule C Appointments."* The command has only one Career Senior Executive Service employee, Mr. Robert Naething, whom is not a political appointee nor fits into any of these categories.
3. Point of contact is (b) (6), ACoS, G1, at commercial (b) (6)
(b) (6)

(b) (6)
COL, AG
Assistant Chief of Staff, G1